

Kansas Department of Health and Environment
Proposed New Permanent Regulation

Lodging Establishments

28-36-71. Licensure; plans and specifications; variances. (a) Each person applying for a license to operate a lodging establishment shall submit the following to the department:

- (1) A completed application and the required application and license fees; and
- (2) if required by subsection (b), the plans and specifications of the lodging establishment.

(b) The plans and specifications shall be submitted before any of the following:

- (1) The construction of a lodging establishment;
- (2) the conversion of an existing structure for use as a lodging establishment;
- (3) the major renovation of a lodging establishment;
- (4) the addition or major renovation of a swimming pool, hot tub, RWF, or spa; or
- (5) the addition or change of a food service operation within a lodging establishment.

(c) Each plan and specification for a lodging establishment shall demonstrate conformance with the applicable requirements of these regulations and shall include the following:

- (1) The proposed layout, mechanical schematics, construction materials, and completion schedules;
- (2) the equipment layout, construction materials, and completion schedules for

any food preparation and service area; and

(3) the equipment layout and completion schedules for each swimming pool, hot tub, RWF, and spa.

(d) A variance may be granted by the regulatory authority to modify or waive one or more requirements of a regulation if the regulatory authority determines that a health hazard, safety hazard, or nuisance will not result from the variance.

(1) Each person requesting a variance shall submit the following to the department:

(A) A written statement of the proposed variance of the regulatory requirement;

(B) documentation of how the proposed variance addresses public health hazards and guest safety at the same level of protection as that of the original requirement; and

(C) any other relevant information if required by the secretary.

(2) For each variance granted, the licensee shall meet the following requirements:

(A) Follow the plans and procedures approved by the regulatory authority;

(B) maintain a permanent record of the variance at the lodging establishment; and

(C) maintain and provide to the regulatory authority, upon request, records that demonstrate that the variance is being followed.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-502 and 36-506; effective, T-_____, _____; effective P-_____.)

